

STATE OF CALIFORNIA  
FISH AND GAME COMMISSION  
STATEMENT OF REASONS FOR REGULATORY ACTION  
(Pre-adoption Statement of Reasons)

Amend Sections 1.71, 2.10 and  
Subsections (b)(5), (b)(68), (b)(156) and (b)(212) of Section 7.50  
Add New Sections 1.60, 1.61 and 1.93  
Title 14, California Code of Regulations  
Re: Fishing Methods Restrictions

- I. Date of Initial Statement of Reasons: September 28, 2005
- II. Date of Pre-adoption Statement of Reasons: November 14, 2005
- III. Dates and Locations of Scheduled Hearings:
- |     |                    |           |                    |
|-----|--------------------|-----------|--------------------|
| (a) | Notice Hearing:    | Date:     | September 30, 2005 |
|     |                    | Location: | Susanville, CA     |
| (b) | Discussion Hearing | Date:     | November 4, 2005   |
|     |                    | Location: | Santa Barbara, CA  |
| (c) | Adoption Hearing   | Date:     | December 9, 2005   |
|     |                    | Location: | Concord, CA        |
- IV. Description of Modifications of Originally Proposed Language of Initial Statement of Reasons:

Two additional alternatives are added that prohibit the use of lures exceeding one ounce. Alternative 4 is the same as Alternative 1 except in Section 2.10(b)(3) the use of lures exceeding one ounce is prohibited in all rivers and streams statewide except in the Sacramento-San Joaquin River Delta and the Colorado River. Alternative 5 is the same as Alternative 3 except in Section 2.10(b)(3) the use of non-buoyant lures exceeding one ounce in weight is prohibited only in anadromous reaches of the American, Feather and Yuba rivers, and a specific reach of the Sacramento River.

Prohibiting the use of non-buoyant lures exceeding one ounce in weight will effectively eliminate the legitimate angling technique known as "jigging". Current regulations and alternatives 1 through 3 prohibit the use of multiple-point hooks on lures exceeding one ounce thus reducing the likelihood of foul-hooking or snagging a fish. The two additional alternatives prohibit the use of non-buoyant lures exceeding one ounce. The Department believes that prohibiting the use of non-buoyant lures exceeding one ounce in weight for all hooks is unnecessarily

restrictive and places an unjust burden on legitimate anglers.

Additional changes were made to more clearly define the boundaries of Sacramento-San Joaquin Delta.

V. Reasons for Modification of originally proposed Language of Initial Statement of Reasons:

The Initial Statement of Reasons contained three alternatives that restricted the use of multiple-point hooks on lures exceeding one ounce but does not restrict the lure weight when single hooks are used. Discussions at public meetings included prohibiting the use of any non-buoyant lure exceeding one ounce to reduce the capability to intentionally snag fish. The Department intended to have the Commission consider all recommendations discussed and agreed to during the three public meetings. The Initial Statement of Reasons inadvertently omitted alternatives that prohibited the use of any non-buoyant lure exceeding one ounce. The two additional alternatives reflect the lure-weight prohibition to be considered by the Commission. Alternative 1 remains the Department's preferred alternative.

The Initial Statement of Reasons contained descriptive statements designed to change and clarify section 1.71 regarding the boundaries of the Sacramento-San Joaquin Delta. The primary reason for those changes was to help delineate the Northern boundaries of the Sacramento-San Joaquin Delta in relation to the Pioneer Bridge (Business Route Interstate 80) on the Sacramento River. These new changes help clarify and delineate the existing 1.71 regulation.

VI. Summary of Primary Considerations Raised in Opposition and in Support:

**1. Bob Strickland, United Anglers, 11/04/05, oral comments.**

**Comment:** Mr. Strickland expressed concern that lures heavier than one ounce could result in increased snagging, however, limiting lures to a maximum of one ounce would effectively eliminate legitimate jigging methods. Recognizing the dilemma, Mr. Strickland supported Alternative No. 1 and recommended analyzing its effectiveness for a period of time.

**Response:** Mr. Strickland's support for the preferred alternative was acknowledged.

**2. Mr. Paul Weakland, 11/04/05, oral comments.**

**Comment:** Mr. Weakland commented that inexperienced and untrained anglers often unintentionally snag fish. Mr. Weakland recommended that anglers be required to pass an examination prior to being issued a fishing license.

**Response:** This recommendation is outside the scope of the proposal and would require a Statutory amendment.

**3. Mr. Bill Pennell, 11/14/05, email comments.**

**Comment:** Mr. Pennell expressed his opposition to the proposed regulation change that would limit leader length to 48 inches. Mr. Pennell requested the Department to provide facts that support the concept that leader length exceeding 48 inches causes snagging. Mr. Pennell also commented that the Department is targeting bank anglers only, when enforcing laws regarding snagging.

**Response:** Currently the Department has no data to support snagging efficacy based on leader length, however this topic was discussed at the public meetings and it was the consensus of the group, which was made-up of both Department personnel and angling groups, that this regulation change would reduce the amount of foul-hooked salmon. The Department enforcement staff does not target any user group more than another, although given the potential concentration of violations in a specific area, some officers may choose to focus in these areas. The Department has also proposed changes in hook size and weights that would affect both anglers in boats and on shore.

## Updated Informative Digest/Policy Statement Overview

Current regulations define the term “hook gap”, and restrict hook gap sizes that anglers may use in rivers and streams within the state. For single hooks, the maximum hook gap is one inch, and for multiple-point hooks the maximum gap is 3/4 inch. Current regulations for all rivers and streams also prohibit the use of multiple hooks or more than one single hook on non-buoyant lures exceeding one ounce in weight.

Based on an analysis of the comments expressed at the three August-September public meetings, the Department is proposing **five** alternatives for proposed regulation changes.

**The Initial Statement of Reasons contained three alternatives. One alternative would restrict the use of multiple-point hooks on lures exceeding one ounce but would not restrict the lure weight when single hooks are used. The other two alternatives would restrict the use of multi-point hooks on non-buoyant lures while allowing the use of single hooks on non-buoyant lure of any weight. Discussions at public meetings included prohibiting the use of any non-buoyant lure exceeding one ounce to reduce the capability to intentionally snag fish. The Department intended to have the Commission consider all recommendations discussed and agreed to during the three public meetings. The Initial Statement of Reasons inadvertently omitted alternatives that prohibited the use of non-buoyant lure exceeding one ounce. The two additional alternatives (numbers 4 and 5) reflect the lure-weight prohibition to be considered by the Commission. Alternative 1 remains the Department’s preferred alternative.**

### Alternative No. 1 (preferred alternative)

**Note: This alternative continues the current regulation that allows the use of multiple-point hooks on non-buoyant lures not exceeding one ounce, and allows the use of single hooks on non-buoyant lures exceeding one ounce.**

1. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), reduce the maximum hook gap for single hooks from one inch to 3/4 inch, and for multiple-point hooks, reduce the maximum gap from 3/4 inch to 5/8 inch.
2. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), limit the maximum leader length between any hook and any weight to 48 inches.
3. Add definitions for “lure”, “non-buoyant lure” and “weight”.
4. Include clarifying terms to the definition of the Sacramento-San Joaquin River Delta.

## Alternative No. 2

Same as Alternative No. 1 except this alternative includes a prohibition on the use of multiple-point hooks or more than one single hook on non-buoyant lures in rivers and streams statewide, except in the Sacramento-San Joaquin River Delta and the Colorado River. **This alternative allows the use of single hooks on non-buoyant lures exceeding one ounce.**

1. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), reduce the maximum hook gap for single hooks from one inch to 3/4 inch, and for multiple-point hooks, reduce the maximum gap from 3/4 inch to 5/8 inch.
2. Prohibit the use of multiple-point hooks or more than one single hook on non-buoyant lures in rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River).
3. Limit the maximum leader length between any hook and any weight to 48 inches in rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River).
4. Add definitions for "lure", "non-buoyant lure" and "weight".
5. Include clarifying terms to the definition of the Sacramento-San Joaquin River Delta.

## Alternative No. 3

Alternative No. 3 differs from Alternatives 1 and 2 by prohibiting the use of multiple-point hooks on non-buoyant lures in a specific reach of the Sacramento River and the anadromous portions of the American, Feather and Yuba rivers (**not statewide**). **This alternative allows the use of single hooks on non-buoyant lures exceeding one ounce outside the specified areas of the Sacramento, Feather, American, and Yuba Rivers.**

1. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), reduce the maximum hook gap for single hooks from one inch to 3/4 inch, and for multiple-point hooks, reduce the maximum gap from 3/4 inch to 5/8 inch.
2. Prohibit the use of multiple-point hooks on non-buoyant lures in the main stem Sacramento River from the Business 80/Highway 50 Pioneer Bridge upstream to the Deschutes Road bridge (near Redding), in the American River downstream of Nimbus Dam to the mouth, in the Feather River downstream of the Table Mountain bicycle bridge in Oroville to the mouth, and in the Yuba River downstream of Daguerre Point Dam to the mouth.

3. Limit the maximum leader length between any hook and any weight to 48 inches in rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River).
4. Add definitions for “lure”, “non-buoyant lure” and “weight”.
5. Include clarifying terms to the definition of the Sacramento-San Joaquin River Delta.

#### **Alternative No. 4**

**Alternative No. 4 differs from Alternatives 1, 2, and 3 by prohibiting the use of non-buoyant lures that exceed one ounce.**

1. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), reduce the maximum hook gap for single hooks from one inch to 3/4 inch, and for multiple-point hooks, reduce the maximum gap from 3/4 inch to 5/8 inch.
2. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), prohibit the use of non-buoyant lures that exceed one ounce in weight.
3. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), limit the maximum leader length between any hook and any weight to 48 inches.
4. Add definitions for “lure”, “non-buoyant lure” and “weight”.
5. Include clarifying terms to the definition of the Sacramento-San Joaquin River Delta.

#### **Alternative No. 5**

**Alternative No. 5 differs from Alternative 1 by prohibiting the use of non-buoyant lures that exceed one ounce. It differs from Alternatives 2 through 4 by prohibiting the use of non-buoyant lures exceeding one ounce in a specific reach of the Sacramento River and the anadromous portions of the American, Feather and Yuba rivers (not statewide).**

1. In all rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River), reduce the maximum hook gap for single hooks from one inch to 3/4 inch, and for multiple-point hooks, reduce the maximum gap from 3/4 inch to 5/8 inch.
2. Prohibit the use of non-buoyant lures that exceed one ounce in weight in the main stem Sacramento River from the Business 80/Highway 50 Pioneer Bridge upstream to the Deschutes Road bridge (near Redding), in the American River downstream of Nimbus Dam to the mouth, in the Feather River downstream of

the Table Mountain bicycle bridge in Oroville to the mouth, and in the Yuba River downstream of Daguerre Point Dam to the mouth.

3. Limit the maximum leader length between any hook and any weight to 48 inches in rivers and streams statewide (except the Sacramento-San Joaquin River Delta and the Colorado River).
4. Add definitions for “lure”, “non-buoyant lure” and “weight”.
5. Include clarifying terms to the definition of the Sacramento-San Joaquin River Delta.

The Department’s preferred alternative is Alternative No. 1. Restricting the use of multiple-point hooks on non-buoyant lures **or all hooks on non-buoyant lures exceeding one ounce** are recommendations stemming from public meetings with the intention of reducing the incidence of snagging salmon and steelhead. Previous regulation changes have reduced lure weights, and Alternative No. 1 further reduces the size of hooks and the length of leaders allowed in rivers and streams (not including the Sacramento-San Joaquin River Delta and the Colorado River). Because the salmon resources in the Sacramento, American, Feather and Yuba rivers are not being over harvested under current regulations, the Department believes additional restrictions are not warranted. Prohibiting the use of multiple-point hooks on non-buoyant lures **or all hooks on non-buoyant lures exceeding one ounce** would have adverse effects on other fisheries and fishing supply businesses because the restriction would eliminate many traditional fishing lures that have been used legally for decades.

Editorial changes are also proposed to improve the clarity and consistency of the regulations. **These changes included descriptive statements designed to change and clarify the boundaries of the Sacramento-San Joaquin Delta associated with section 1.71.**